SUBJECT No. 48.

Preservation of documents produced in civil cases.

Messrs. U. Shiva Rao and S. Manjiah, Chikmagalur Municipality.

Withdrawn.

SUBJECT No. 49.

Records of Munsiffs' Courts.

Messrs. Chikramanna, Byregowda, and Dodda Vembralliah, Kolar taluk.

Withdrawn.

SUBJECT No. 50.

Time for return of documents filed in civil courts.

Mr. G. Srinivasa Murti, Hassan taluk.

Summary of discussion.—Documents filed in the Munsiffs' Courts are required to be taken back within one month from the date of application, as otherwise the application will be rejected and a fresh one has to be presented thus resulting in loss to the parties. The period may therefore be extended to two months.

Reply of Government.—This has been done. (*Vide* corrigendum, dated 19th May 1910, to Civil Rule of Practice No. 117, dated the 19th September 1904.)

SUBJECT No. 51.

Return of certified copies of decrees and judgments.

Messrs. C. Subba Rao, S. R. Balakrishna Rao and S. Sitaramiah, Shimoga Municipality; and V. Raghavachar, Mysore taluk.

Summary of discussion.—The proceedings of the Chief Court No. 5—1, dated 30th June 1910, prevent the return of copies of decrees and judgments of the lower courts produced with the memoranda of appeals. This necessitates obtaining fresh copies for second appeals. The rule may be changed so as to allow of return of copies on application.

The Chief Judge pointed out that, in second appeals, the production of the judgment of the original court was not insisted upon. Messrs C. Subba Rao and V. Raghavachar argued as to why there should be any objection to the return of the copies as before. They are certified copies and if the parties want them again they will have to incur additional expenditure.

Reply of Government.—The Chief Court will be consulted.

SUBJECT No. 52.

Reduction of half the court fee in cases decided *ex parte*.

Messrs. C. Vaman Rao and Nadig Subba Rao, Nagar taluk.

Summary of discussion.—When parties in dispute in civil suits come to an understanding and settle their disputes of their own accord, half the court fee is remitted. The same concession may be shown when the cases are decided *ex parte* in the absence of the defendant. If the defendant agrees beforehand to have the case decided without his presence, he may be required to present half the cost at once and have the matter decided.

Reply of Government.—The matter was carefully considered and the suggestion was found impracticable to adopt.

SUBJECT No. 53.

Levy of *ad valorem* fee.

Mr. N. V. Narasimha Iyengar, Law Association, Bangalore.

Summary of discussion.—One-half of *ad valorem* fee to be levied on plaints to begin with and the other half recovered when contention commences.

Reply of Government.—Was considered and found not practicable.

SUBJECT No. 54.

Succession certificates.

Messrs. S. Sitaramaiya, Shimoga Municipality; A. Ramanna, Yedatore taluk; C. Krishnamurti, Bangalore City Municipality; and V. Raghavachar, Mysore taluk.

Summary of discussion.—The present rule requiring the deposit of the full amount of the court fee in the case of succession certificates before the order for the grant of the certificate in any case is passed, works as a hardship when there are more parties than one claiming the certificate in one and the same case. The old rule requiring the payment of the fee only after the order for the grant of the certificate is passed may be revived.

Reply of Government.—A bill will be introduced to amend the Succession Act.

SUBJECT No. 55.

Civil Court Decrees.

Messrs. Subba Rao, Hole-Narsipur Municipality; and N. V. Narasimha Iyengar, Law Association, Bangalore.

Summary of discussion.—For the information of clients the amount remaining unexpended out of the sum paid by them towards batta and cost of unused stamps may be ordered to be noted in the decree of civil courts.

Mr. C. Krishnamurthi pointed out that the Government order of the 26th September 1911 requires that information as regards unexpended batta should be given but it is silent as regards unused stamps.

Reply of Government.—The matter will be considered again.

SUBJECT No. 56.

Extension of time for Civil Court cheques.

Mr. N. V. Narasimha Iyengar, Law Association, Bangalore.

Summay of discussion.—The time for the presentation of Civil Court cheques to the treasury for payment may be extended from three to seven days.

Reply of Government.—Will be done.

SUBJECT No. 57.

Administration of oaths by chief ministerial officers.

Messrs. N. V. Narasimha Iyengar, Law Association, Bangalore; C. Krishnamurti and D Venkataramiah, Bangalore City Municipality; and B. Narasinga Rao, Seringapatam Municipality.

Summary of discussion.—It is requested that the chief ministerial officers of civil courts may be empowered to administer oaths when parties have to swear to affidavits, etc.

If affidavits have to be sworn to, the party has to go to the Munsiffs who have hardly any time to spare for this work. Sub-Registrars have been given this power and the Head Munshis may well be trusted to do this work.

Reply of Government.—The Chief Judge has no objection. Will be considered.

SUBJECT No. 58.

Grant of authenticated copies of depositions, etc.

Messrs. S. Sitaramaiya, Shimoga Municipality; C. Vaman Rao and Nadig Subba Rao, Nagar taluk.

Summary of discussion.—The prevailing practice of granting copies of depositions, etc., on three-pie paper and authenticating the same upon a fresh application is inconvenient when copies have to be filed in courts other than that granting them. This inconvenience may be removed by ordering the issue of authenticated copies, if required, without levying the necessary stamp fee so that the party to whom it is issued may, if he considers it necessary to produce them subsequently in any court, do so after affixing the necessary stamps thereto.